

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Petition No. 305/2023 in Services Appeal No.11824/2020

Dr. Sadaf Jamil

..... Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa & others. Respondents

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(Section Officer (Lit-II)
Govt. of Khyber Pakhtunkhwa
Health Department.

Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

4/9/23

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

EXECUTION PETITION NO. 305/2023 IN SERVICE APPEAL NO. 11824/2020

Dr. Sadaf Jamil..... **Petitioner**

Versus

Govt. of Khyber Pakhtunkhwa and others.....**Respondents**

PARAWISE REPLY ON BEHALF OF RESPONDENT NO. 01 TO 03

Respectfully Sheweth:

Preliminary Objections:-

1. That the petitioner has got no cause of action or locus standi to file the instant petition.
2. That the petitioner has filed the instant petition just to pressurize the respondents.
3. That the petitioner has filed the instant petition on mala-fide motives.
4. That the petition is not maintainable in its present form and also in the present circumstances of the case.
5. That the petition has not come to this Honorable Tribunal with clean hands.
6. That the judgment of the Honorable Tribunal has already been implemented in its true letter & spirit.
7. That the petition is bad due to non-joinder of necessary and mis-joinder of unnecessary parties.
8. That the petitioner has been estopped by his own conduct to file the appeal.

ON FACTS:

1. Pertains to record.
2. Correct to the extent at Judgment dated 26/01/2022 whereby the Honorable Service Tribunal directed for giving her posting and release of salaries w.e.f. 2015.

3. Correct to the extent of Notification dated 27/03/2023 which was issued in compliance with the Honorable Tribunal Judgment dated 26/01/2022.
4. Incorrect. As per Finance Department Notification No. FD(SOSR-II)8-18/2016, dated 07/01/2016 (Annex-A). HPA is only allowed during period of posting against the sanctioned post at Health Department, while the appellant was not posted during the period from August 2015 to September 2022, therefore, the appellant is not entitled to receive HPA for her absence period.
5. As in preceding para.
6. Incorrect. The Judgment of this Honorable Tribunal dated 26/01/2022 has been implemented in its true letter & spirit. However, detailed reply has already been furnished in Para No. 4.
7. As per preceding para.

PRAYER:

It is therefore humbly prayed that on acceptance of the reply, the instant petition of the petitioner may very graciously be dismissed with costs.



Secretary to Govt. of Khyber
Pakhtunkhwa Health Department
Respondent No. 02



Director General Health Services
Khyber Pakhtunkhwa
Respondent No. 03



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 07/01/2016

NOTIFICATION

No.FD(SOSR-II)8-18/2016. In continuation of this Department Notification of even number dated 06/08/2011, the Provincial Cabinet of Khyber Pakhtunkhwa has been pleased to accord approval to the incentive for doctor (All the following cadres) excluding those working in MTIs on the basis of territory (Districts declared as Category A, B & C) / unattractive / attractive specialties and enhanced the Health Professional Allowance as under to ensure presence of doctors at all levels of health facilities, which is mandatory for the provision of minimum health services to the people of Khyber Pakhtunkhwa w.e.f. 01/01/2016:-

Cadre	Existing rates of HPA	Districts					
		Category-A		Category-B		Category-C	
Districts Specialists, Non-attractive specialties (radiology, Pathology, Anaesthesia)	Rs.10,000/-	Rs.80,000/-		Rs.100,000/-		Rs.140,000/-	
Districts Specialists, Attractive specialties	Rs.10,000/-	Rs.60,000/-		Rs.80,000/-		Rs.100,000/-	
Health Managers	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Rs.56,000/-		Rs.76,000/-		Rs.96,000/-	
Medical officer / Dental surgeon	Rs.15,000/- (BPS-17) Rs.10,000/- (BPS-18 & above)	Urban 42,000	Rural 52,000	Urban 62,000	Rural 72,000	Urban 82,000	Rural 92,000

Attested

The categorization of districts on the basis of hard to reach area, geographic terrain, security situation and lack of development and infrastructure shall be as under:-

Districts Category-A

1. Peshawar
2. Abbottabad

Districts Category-B

3. Nowshera
4. Swat
5. Kohat
6. Mardan
7. Bannu
8. Charsadda
9. Dera Ismail Khan
10. Dir Lower
11. Haripur
12. Mansehra
13. Malakand
14. Swabi

Districts Category-C

15. Buner
16. Battagram
17. Chitral
18. Dir Upper
19. Hangu
20. Karak
21. Kohistan
22. Lakki Marwat
23. Shangla
24. Tank
25. Torgar

The districts are internally further segregated into urban and rural settings for awarding incentives to ensure health services delivery in far flung and hard areas within districts.

P.T.O.

Section Officer
Health Department
Khyber Pakhtunkhwa

The above enhanced Health Professional Allowance will be admissible subject to the following conditions:

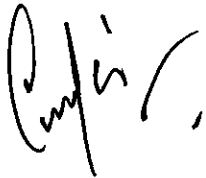
- i. The existing allowances for doctors (Anaesthesia allowance in district hospital hard & hardest. Special package / incentives at Civil Hospital Gari Habibullah Mansehra, Incentives allowance to Gynaecologist and lady doctors at Districts Batagram Kohistan, Hangu, Tank, Buner, Dir Upper, Dir Lower, Shangla and Chitral) shall be discontinued except Non-practicing Allowance.
- ii. Will be admissible only during their period of posting against the sanctioned posts at Health Department.
- iii. Will not be admissible during earned leave, study leave & extra ordinary leave except casual leave.
- iv. Shall not be treated as part of emoluments for the purpose of calculation of pension and recovery of House Rent etc.
- v. Shall not be admissible to the employees posted/deputed outside the Health Department.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action is forwarded to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Health Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director MIU, Finance Department.
4. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
5. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
6. The All the District Accounts Officers in Khyber Pakhtunkhwa.
7. The Treasury Officer, Peshawar.
8. Budget Officer-VI, Finance Department


Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa


(WAZIR MUHAMMAD AFGAR)
SECTION OFFICER (SR.II)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Petition No.305/2023 Service Appeal No. 11824/2020

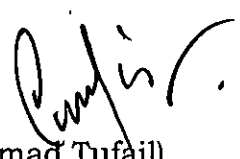
Dr. Sadaf Jami------(Appellant)

Versus

Govt. of Khyber Pakhtunkhwa, Health Department & others Respondents)

AFFIDAVIT.

I Muhammad Tufail Section Officer (Lit-II) do hereby solemnly affirm and declare that the joint parawise comments in Execution Petition No. 305/2023 in Service Appeal No.11824 at Page 1-2 is submitted on behalf of respondents No. 2, & 3 is true and correct to the best of my knowledge, belief and that nothing has been concealed from this Hon'ble Court.


(Muhammad Tufail)
Section Officer (Lit-II)
Govt. of Khyber Pakhtunkhwa

4/9/23

Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa

Identified by:-

**Advocate General,
Khyber Pakhtunkhwa**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

AUTHORITY LITTEr

Mr. Safi Ullah, Focal Person (Litigation-II), Health Department, Civil Secretariat is hereby authorized to attend/defend the Court Cases and file comments on behalf of Secretary Health Government of Khyber Pakhtunkhwa before the Service Tribunal and lower Courts.

(MAHMOOD ASLAM)
Secretary to Govt. of Khyber Pakhtunkhwa
Health Department
Secretary to Govt. of
Khyber Pakhtunkhwa
Health Department

9/15/23

Section Officer (Lit-II)
Health Department
Khyber Pakhtunkhwa